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Human rights questions

Excerpt from the report of the Commission on Human Rights on its fifty-sixth session for consideration by the Economic and Social Council at its resumed organizational session for 2000

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CONTENTS

Page

I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL 4

A. Draft resolution

Procedure for dealing with communications concerning human rights 4

B. Draft decisions

1. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 8

2. The right to food 8

3. Human rights defenders 9

4. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights 10

II. RESOLUTIONS AND DECISION ADOPTED BY THE COMMISSION AT ITS FIFTY-SIXTH SESSION 11

A. Resolutions

2000/9. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights 11

2000/10. The right to food 19

2000/41. Human rights defenders 22

2000/82. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights 24

CONTENTS (continued)

Page

2000/109. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights 28

III. NARRATIVE OF THE PROCEEDINGS INCLUDING VOTING RESULTS 34

Excerpts from Chapter X of Commission report[1] 34

Excerpts from Chapter XVII of Commission report[1] 39

Excerpts from Chapter XX of Commission report[1] 41

[1] The complete report of the Commission will be issued under the symbol E/2000/23.

I. DRAFT RESOLUTION AND DECISIONS RECOMMENDED FOR ADOPTION BY THE ECONOMIC AND SOCIAL COUNCIL

A. Draft resolution

Procedure for dealing with communications concerning human rights

The Economic and Social Council,

Recalling its resolution 728 F (XXVIII) of 30 July 1959 concerning the handling of communications concerning human rights and its decision 79 (LVIII) of 6 May 1975 relating thereto,

Recalling also its resolution 1235 (XLII) of 6 June 1967 authorizing the Commission on Human Rights to examine information relevant to gross violations of human rights and fundamental freedoms, its resolution 1503 (XLVIII) of 27 May 1970 establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms and its resolution 1990/41 of 25 May 1990 concerning the establishment, composition and designation of the members of the Working Group on Situations,

Recalling further resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission for the Promotion and Protection of Human Rights) of 13 August 1971 concerning criteria for the admissibility of communications, as well as Sub-Commission resolution 2 (XXIV) of 16 August 1971 concerning the establishment, composition and designation of the members of the Working Group on Communications,

Recalling Commission on Human Rights decisions 3 (XXX) of 6 March 1974, 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980, all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978 inviting the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item,

Noting decision 2000/109 of 26 April 2000 of the Commission on Human Rights, inter alia approving the recommendations of its inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights concerning the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions (E/CN.4/2000/112, chapter three),

1. Endorses Commission decision 2000/109 of 26 April 2000, insofar as it concerns the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions;

2. Decides, accordingly, that the Working Group on Communications designated in conformity with paragraph 37 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) shall henceforth meet annually for two weeks, immediately following the annual session of the Sub-Commission on the Promotion and Protection of Human Rights, to examine the communications received under Council resolution 728 F (XXVIII) that have been transmitted to the Governments concerned not later than 12 weeks prior to the meeting of the Working Group, and any government replies relating thereto, in conformity with the criteria for the admissibility of communications contained in resolution 1 (XXXIV) of the Sub-Commission, with a view to bringing to the attention of the Working Group on Situations any particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

3. Requests the Secretary-General, with the approval of the Chairman-Rapporteur of the Working Group on Communications, to screen out manifestly ill-founded communications in the preparation of the monthly confidential summaries of communications (confidential lists of communications) communicated to the members of the Working Group, it being understood that communications screened out would not be transmitted to the Governments concerned for reply;

4. Calls upon the Secretary-General to inform the countries concerned, immediately after the conclusion of the meeting of the Working Group on Communications, of the actions taken in regard to them;

5. Entrusts to the Working Group on Situations designated in conformity with paragraph 40 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112), which shall meet annually for one week not less than one month prior to the annual session of the Commission, the role of examining the confidential report and recommendations of the Working Group on Communications and determining whether or not to refer a particular situation thus brought before it to the Commission on Human Rights, as well as of examining the particular situations kept under review by the Commission under the procedure, and, accordingly, to place before the Commission a confidential report identifying the main issues of

concern, normally together with a draft resolution or draft decision recommending the action to be taken by the Commission in respect of the situations referred to it;

6. Requests the Secretary-General to make the confidential files available, at least one week in advance of the first closed meeting, to all members of the Commission on Human Rights;

7. Authorizes the Commission on Human Rights, as it deems appropriate, to consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review, in two separate closed meetings, employing the following modalities:

(a) At the first closed meeting, each country concerned would be invited to make opening presentations; a discussion would then follow between members of the Commission and the Government concerned, based on the contents of confidential files and the report of the Working Group on Situations;

(b) In the interim between the first and second closed meetings, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the Working Group on Situations; any such draft texts would be circulated confidentially by the secretariat, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, in advance of the second closed meeting;

(c) At the second closed meeting, members of the Commission would discuss and take action on the draft resolutions or decisions; a representative or representatives of the Governments concerned would have the right to be present during the adoption of the final decision/resolution taken in regard to the human rights situation in that country; as has been the established practice, the Chairperson of the Commission would subsequently announce in a public meeting which countries had been examined under the 1503 procedure, as well as the names of countries no longer being dealt with under the procedure; the 1503 dossiers would remain confidential, except where the Government concerned has indicated the wish that they become public;

(d) In accordance with the established practice, the action taken in respect of a particular situation should be one of the following options:

(i) To discontinue consideration of the matter when further consideration or action is not warranted;

(ii) To keep the situation under review in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;

(iii) To keep the situation under review and to appoint an independent expert;

(iv) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII) in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII);

8. Decides that the provisions of Council resolution 1503 (XLVIII) and related resolutions and decisions not affected by the present reorganization of work shall remain in force, including:

(a) Provisions relating to the duties and responsibilities of the Secretary-General, it being understood that in respect of the handling of communications and government replies relating thereto the duties and responsibilities are as follows:

(i) The compilation, as before, of monthly confidential summaries of incoming communications concerning alleged violations of human rights; the identity of authors may be deleted upon request;

(ii) The transmittal of a copy of each summarized communication, in the language received, to the Government concerned for reply, without divulging the identity of the author if he or she so requests;

(iii) Acknowledging the receipt of communications to their authors;

(iv) The reproduction and circulation to the members of the Commission, as before, of the replies received from Governments;

(b) Provisions aimed at facilitating government cooperation and participation in the procedure, including the provisions of Commission decision 3 (XXX) of 6 March 1974, now to be applied following the meetings of the Working Group on Communications;

9. Decides that all actions envisaged in the implementation of the present resolution by the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council;

10. Decides that the procedure as amended may continue to be referred to as the 1503 procedure.

[See decision 2000/109 in sect. II below]

B. Draft decisions

1. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/9 of 17 April 2000, endorses the Commission's decision to appoint, for a period of three years, a special rapporteur whose mandate will focus on aspects related to the right to adequate housing contained in the right to an adequate standard of living, as reflected, inter alia, in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, article 14 (h) of the Convention on the Elimination of All Forms of Discrimination against Women, article 27, paragraph 3, of the Convention on the Rights of the Child and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination, including the questions of secure tenure and forced evictions (housing rights). The Council also endorses the Commission's request to the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur.

[See resolution 2000/9 in sect. II below]

2. The right to food

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/10 of 17 April 2000, endorses the Commission's decision, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur whose mandate will focus on the right to food and who will accomplish the following main activities:

(a) Seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;

(b) Establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental organizations on the promotion and effective implementation of the right to food, and make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;

(c) Identify emerging issues related to the right to food worldwide.

The Council also endorses the Commission's request to the High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur.

[See resolution 2000/10 in sect. II below]

3. Human rights defenders

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/61 of 26 April 2000, endorses the Commission's decision to request the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

[See resolution 2000/61 in sect. II below]

4. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/82 and decision 2000/109 of 26 April 2000, endorses the Commission's decision to discontinue the mandates of the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and of the independent expert on structural policies and to appoint, for a period of three years, Mr. Fantu Cheru as independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic social and cultural rights, to submit an analytical report to the Commission, on an annual basis, on the implementation of Commission resolution 2000/82, paying particular attention to:

(a) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular in particular economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in development countries, especially the poorest and heavily indebted countries;

(c) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights; and to provide an advance copy of his annual report to the open-ended working group on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate. The Council also endorses the Commission's request to the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions. The Council also decides to authorize the working group on structural adjustment programmes and economic, social and cultural rights to met for two weeks well in advance of, and at least four weeks prior to, the fifty-seventh session of the Commission with the mandate to (a) continue working on the elaboration of basic policy guidelines on

structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions and (b) report to the Commission at its fifty-seventh session.

[See resolution 2000/82 in sect. II below]

II. RESOLUTIONS AND DECISION ADOPTED BY THE COMMISSION AT ITS FIFTY-SIXTH SESSION

A. Resolutions

2000/9. Question of the realization in all countries of the economic, social and cultural rights contained in the Univeral Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

The Commission on Human Rights,

Guided by the principles relating to economic, social and cultural rights enshrined in the Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling its previous resolutions on the realization of economic, social and cultural rights, including resolution 1998/33 of 17 April 1998, in which it decided, inter alia as part of its efforts to impart a higher visibility to economic, social and cultural rights, to appoint, for a period of three years, a special rapporteur whose mandate would focus on the right to education,

Taking note with interest of ongoing new approaches to the realization of economic, social and cultural rights, and considering that to ensure the realization of economic, social and cultural rights and the removal of obstacles thereto at all levels, additional approaches should be examined,

I.

1. Notes with interest:

(a) The report of the Secretary-General on the implementation of resolution 1999/25 of 26 April 1999 (E/CN.4/2000/47), the report submitted to the Economic and Social Council by the High Commissioner for Human Rights pursuant to General Assembly resolution 48/141 of 20 December 1993 (E/1999/96), the report of the High Commissioner on the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights

(E/CN.4/2000/49), as well as all other relevant reports of the High Commissioner on economic, social and cultural rights and activities of intergovernmental and non-governmental organizations in that regard;

(b) The unanimous adoption by the International Labour Conference, in July 1999, of Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour;

(c) The work carried out by the Committee on Economic, Social and Cultural Rights, including the assistance given to States parties in the fulfilment of their obligations through its general comments No. 11 on plans of action for primary education, No. 12 on the right to adequate food, and No. 13 on the right to education;

(d) The work of the Committee on the Rights of the Child in the promotion of economic, social and cultural rights of children;

(e) The convening in March 1999 by the United Nations Centre for Human Settlements (Habitat) and the Office of the United Nations High Commissioner for Human Rights of an expert group meeting on practical aspects of the human right to adequate housing, which recommended, inter alia, the appointment of a special rapporteur on housing rights;

(f) Efforts of the High Commissioner for Human Rights within the United Nations Development Group to promote economic, social and cultural rights;

(g) The elaboration of training programmes in the Office of the High Commissioner for Human Rights to develop in-house expertise in incorporating economic, social and cultural rights in technical cooperation projects, and the inclusion of economic, social and cultural rights aspects in the Office's manuals and methodological materials for technical cooperation programmes and field activities;

2. Welcomes ongoing efforts by the Economic and Social Council and the General Assembly towards a coordinated follow-up to relevant United Nations world conferences and summits, notably the World Food Summit held in Rome in 1996, the second United Nations Conference on Human Settlements (Habitat II) held in Istanbul in 1996, the World Summit for Social Development, held in Copenhagen in 1995, the Fourth World Conference on Women, held in Beijing in 1995, the International Conference on Population and Development, held in Cairo in 1994 and the World Conference on Education for All, held in

Jomtien, Thailand, in 1990, which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships for the promotion and protection of all human rights, notably economic, social and cultural rights;

3. Reaffirms:

(a) That, in accordance with the Universal Declaration of Human Rights, the ideal of free human beings enjoying freedom from fear and want can be achieved only if conditions are created whereby everyone may enjoy his or her economic, social and cultural rights, as well as his or her civil and political rights;

(b) The inextricable link between full respect for the rights contained in the International Covenant on Economic, Social and Cultural Rights and the process of development, the central purpose of which is the realization of the potentialities of the human person with the effective participation of all members of society in relevant decision-making processes as agents and beneficiaries of development, as well as with a fair distribution of its benefits;

(c) That all persons in all countries are entitled to the realization of their economic, social and cultural rights, which are indispensable to their dignity and the free development of their personality;

(d) The universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and that promoting and protecting one category of rights should therefore never exempt or excuse States from the promotion and protection of other rights;

(e) The importance of international cooperation for the promotion and protection of all human rights, including economic, social and cultural rights;

(f) That the realization of all human rights and fundamental freedoms, and particularly economic, social and cultural rights, is a dynamic process and that, as is evident in today's world, a great deal remains to be accomplished;

4. Calls upon all States:

(a) To give full effect to economic, social and cultural rights;

(b) To consider signing and ratifying, and the States parties to implement, the International Covenant on Economic, Social and Cultural Rights;

(c) To consider ratifying, as soon as possible, and the States parties to fully implement the Convention (No. 182) concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour of the International Labour Organization;

(d) To guarantee that economic, social and cultural rights will be exercised without discrimination of any kind;

(e) To secure progressively, through national development policies and with international assistance and cooperation, full realization of economic, social and cultural rights, giving particular attention to the individuals, most often women and children, especially girls, and communities living in extreme poverty and therefore most vulnerable and disadvantaged;

(f) To consider in this context, as appropriate, the desirability of drawing up national action plans identifying steps to improve the situation of human rights in general with specific benchmarks designed to give effect to minimum essential levels of enjoyment of economic, social and cultural rights;

(g) To help alleviate the unsustainable external debt burden of countries that meet the criteria of the highly indebted poor countries initiative, which should further strengthen the efforts of the Governments of these countries to realize economic, social and cultural rights, inter alia through the development and implementation of programmes such as the "Bolsa Escola" programme in Brazil, as well as the prevention of the spread of the HIV/AIDS pandemic in Africa and the reconstruction of countries affected by natural disasters;

(h) To promote the effective and wide participation of representatives of civil society in decision-making processes related to the promotion and protection of economic, social and cultural rights;

5. Calls upon States parties to the International Covenant on Economic, Social and Cultural Rights:

(a) To submit their reports to the Committee on Economic, Social and Cultural Rights in a regular and timely manner;

(b) To promote a concerted national effort to ensure the participation of representatives of all sectors of civil society in the process of preparation of their periodic reports to the Committee on Economic, Social and Cultural Rights and in the implementation of the recommendations of the Committee;

(c) To withdraw reservations incompatible with the object and purpose of the Covenant and to consider reviewing other reservations with a view to withdrawing them;

6. Recalls that international cooperation in solving international problems of an economic, social and cultural character, and in promoting and encouraging respect for human

rights and fundamental freedoms for all is one of the purposes of the United Nations and affirms that wider international cooperation would contribute to lasting progress in implementing economic, social and cultural rights;

7. Decides:

(a) To encourage the Committee on Economic, Social and Cultural Rights to continue its efforts towards the promotion and protection of human rights at the national and international levels and the full realization of specific rights, notably through the drafting of further general comments, thus making the experience gained so far through the examination of States parties' reports available for the benefit of all States parties in order to assist and promote their further implementation of the Covenant;

(b) To request the High Commissioner for Human Rights to invite all States, intergovernmental organizations and non-governmental organizations which have not yet done so to submit their comments on the report by the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications in relation to the Covenant (E/CN.4/1997/105, annex), as well as to invite all States to submit their comments on the options relating to the proposal for a draft optional protocol, contained in her report on the draft optional protocol (E/CN.4/2000/49), or to propose any other option that would be conducive to a substantive dialogue, giving due regard to the respective roles of the Committee on Economic, Social and Cultural Rights and the Sub-Commission on the Promotion and Protection of Human Rights;

(c) To appoint, for a period of three years, a special rapporteur whose mandate will focus on adequate housing as a component of the right to an adequate standard of living, as reflected in article 25, paragraph 1, of the Universal Declaration of Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, and article 27, paragraph 3, of the Convention on the Rights of the Child, and on the right to non-discrimination as reflected in article 14 (h) of the Convention on the Elimination of All Forms of Discrimination against Women, and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination;

(d) To request the Special Rapporteur, in the fulfilment of her/his mandate:

(v) To report on the status, throughout the world, of the realization of the rights that are relevant to the mandate, in accordance with the provisions of the relevant instrument, and on developments relating to these rights,

including on laws, policies and good practices most beneficial to their enjoyment and difficulties and obstacles encountered domestically and internationally, taking into account information received from Governments, organizations and bodies of the United Nations system, other relevant international organizations and non-governmental organizations;

(vi) To promote, as appropriate, cooperation among and assistance to Governments in their efforts to secure these rights;

(vii) To apply a gender perspective in her/his work;

(viii) To develop a regular dialogue and discuss possible areas of collaboration with Governments, relevant United Nations bodies, specialized agencies, international organizations in the field of housing rights, inter alia the United Nations Centre for Human Settlements (Habitat), non-governmental organizations and international financial institutions, and to make recommendations on the realization of the rights relevant to the mandate;

(ix) To identify possible types and sources of financing for relevant advisory services and technical cooperation;

(x) To facilitate, where appropriate, the inclusion of issues relating to the mandate in relevant United Nations missions, field presences and national offices;

(xi) To submit to the Commission on Human Rights an annual report covering the activities relating to the mandate;

(e) To request the High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur;

(f) To encourage the High Commissioner for Human Rights to strengthen the research and analytical capacities of her Office in the field of economic, social and cultural rights, and to share her expertise, inter alia through the holding of expert meetings;

(g) To encourage the High Commissioner for Human Rights to continue to ensure better support for the Committee on Economic, Social and Cultural Rights, in particular under

the programme of action to strengthen the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1997/22-E/C.12/1996/6, annex VII) adopted by the Committee at its fifteenth session;

(h) To encourage the High Commissioner for Human Rights to continue to provide or to facilitate practical support aimed at building capacities for the full realization of economic, social and cultural rights;

(i) To support the efforts carried out by the High Commissioner for Human Rights to implement the proposed programme of action designed to enhance the ability of the Committee on Economic, Social and Cultural Rights to assist interested Governments in their reporting obligations and its capacity to process and follow up the examination of States parties' reports and, accordingly, to request States parties to the International Covenant on Economic, Social and Cultural Rights to make voluntary financial contributions to ensure the adequate implementation of that programme of action;

II.

8. Notes with interest:

(a) The report of the Special Rapporteur on the right to education (E/CN.4/ 2000/6 and Add.1 and 2 and Corr.1);

(b) The work of the Committee on the Rights of the Child in the promotion of the right to education;

(c) The established cooperation between the Special Rapporteur and the Committee on Economic, Social and Cultural Rights and the Committee on the Rights of the Child;

(d) The established dialogue with the World Bank to promote the right to education in its strategies;

9. Welcomes:

(a) The focus given by the Special Rapporteur to the identification of obstacles to the realization of the right to education at the domestic and international levels, to the mainstreaming of gender and to the legal enforcement of the right to education;

(b) The convening of the World Education Forum (in Dakar from 26 to 28 April 2000, which constitutes the follow-up to the World Conference on Education for All), which should provide a framework for setting goals, outlining new approaches and developing supportive partnerships and reaffirm the need for primary education to be universal, compulsory and free of charge;

10. Invites the Special Rapporteur to continue to work in accordance with her mandate and notably to intensify her efforts to identify ways and means to overcome obstacles and difficulties in the realization of the right to education, notably through international cooperation;

11. Calls upon all States:

(a) To give full effect to the right to education;

(b) To guarantee that the right to education will be exercised without discrimination of any kind;

(c) To cooperate with the Special Rapporteur;

12. Decides:

(a) To request the Special Rapporteur on the right to education to submit a report to the Commission at its fifty-seventh session;

(b) To reiterate its request to the High Commissioner for Human Rights to organize in 2001, the year of the twenty-fifth anniversary of the entry into force of the International Covenant on Economic, Social and Cultural Rights, a workshop to identify progressive developmental benchmarks and indicators related to the right to education, as set out in paragraph 6 (b) of resolution 1999/25 to 26 April 1999;

(c) To reiterate its invitation to the United Nations Children's Fund and the United Nations Educational, Scientific and Cultural Organization to continue to develop a regular dialogue with the Special Rapporteur on the right to education and to submit to the Commission on Human Rights information pertaining to their activities in promoting primary education, with specific reference to women and children, particularly girls,

13. Requests the Secretary-General to provide the Special Rapporteur on the right to education with all the assistance necessary for the execution of the mandate.

III.

14. Requests the Secretary-General to submit to the Commission at its fifty-seventh session a report on the implementation of the present resolution.

15. Recommends the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/9 of 17April 2000, endorses the Commission's decision to appoint, for a period of three years, a special rapporteur whose mandate will focus on aspects related to

the right to adequate housing contained in the right to an adequate standard of living as reflected, inter alia in article 25, paragraph 1, of the Universal Declaration on Human Rights, article 11, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, article 14 (h) of the Convention on the Elimination of All Forms of Discrimination against Women, article 27, paragraph 3, of the Convention on the Rights of the Child and article 5 (e) of the International Convention on the Elimination of All Forms of Racial Discrimination, including the questions of secure tenure and forced evictions (housing rights). The Council also endorses the Commission's request to the United Nations High Commissioner for Human Rights to provide all the necessary resources for the effective fulfilment of the mandate of the Special Rapporteur."

52nd meeting
17 April 2000
[Adopted without a vote. See chap. X.]

2000/10. The right to food

The Commission on Human Rights,

Recalling the Universal Declaration of Human Rights, which provides that everyone has the right to a standard of living adequate for her/his health and well-being, including food,

Recalling also the provisions of the International Covenant on Economic, Social and Cultural Rights in which the fundamental right of every person to be free from hunger is recognized,

Recalling further the Universal Declaration on the Eradication of Hunger and Malnutrition,

Bearing in mind the Rome Declaration on World Food Security and the Plan of Action of the World Food Summit, held in Rome from 13 to 17 November 1996,

Recalling all its previous resolutions in this regard, in particular resolution 1999/24 of 26 April 1999,

Recognizing that the problem of hunger and food insecurity have global dimensions and that they are likely to persist and even to increase dramatically in some regions, unless urgent, determined and concerted action is taken, given the anticipated increase in the world's population and the stress on natural resources,

Reaffirming that a peaceful, stable and enabling political, social and economic environment, both at a national and an international level, is the essential foundation which will enable States to give adequate priority to food security and poverty eradication,

Reiterating, as did the Rome Declaration, that food should not be used as an instrument of political or economic pressure, and reaffirming in this regard the importance of international cooperation and solidarity, as well as the necessity of refraining from unilateral measures not in accordance with international law and the Charter of the United Nations which endanger food security,

Convinced that each State must adopt a strategy consistent with its resources and capacities to achieve its individual goals in implementing the recommendations contained in the Rome Declaration and Plan of Action and, at the same time, cooperate regionally and internationally in order to organize collective solutions to global issues of food security in a world of increasingly interlinked institutions, societies and economies, where coordinated efforts and shared responsibilities are essential,

Stressing the importance of reversing the continuing decline of official development assistance devoted to agriculture, both in real terms and as a share of total official development assistance,

1. Reaffirms that hunger constitutes an outrage and a violation of human dignity and, therefore, requires the adoption of urgent measures at the national, regional and international levels for its elimination;

2. Also reaffirms the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger so as to be able fully to develop and maintain their physical and mental capacities;

3. Considers intolerable that 825 million people, most of them women and children, throughout the world and particularly in developing countries, do not have enough food to meet their basic nutritional needs, which infringes their fundamental human rights and at the same time can generate additional pressures upon the environment in ecologically fragile areas;

4. Stresses the need to make efforts to mobilize and optimize the allocation and utilization of technical and financial resources from all sources, including external debt relief for developing countries, to reinforce national actions to implement sustainable food security policies;

5. Encourages all States to take steps with a view to achieving progressively the full realization of the right to food, including steps to promote the conditions for everyone to be free from hunger and as soon as possible enjoy fully the right to food;

6. Takes note with interest of the updated study on the right to adequate food and to be free from hunger submitted by Mr. Asbjørn Eide to the Sub-Commission on the Promotion and Protection of Human Rights, in accordance with Sub-Commission decision 1998/106 (E/CN.4/Sub.2/1999/12);

7. Also takes note with interest of the report submitted by the High Commissioner for Human Rights on the right to food, in accordance with Commission resolution 1999/24 (E/CN.4/2000/48 and Add. 1);

8. Welcomes the work already done by the Committee on Economic, Social and Cultural Rights in promoting the right to adequate food, in particular its general comment No. 12 of 11 May 1999 relating to article 11 of the International Covenant on Economic, Social and Cultural Rights, in which the Committee affirmed, inter alia, that the right to adequate food is indivisibly linked to the inherent dignity of the human person and is indispensable for the fulfilment of other human rights enshrined in the international Bill of Human Rights and is also inseparable from social justice, requiring the adoption of appropriate economic, environmental and social policies, at both the national and international levels, oriented to the eradication of poverty and the fulfilment of all human rights for all;

9. Recommends that the High Commissioner for Human Rights organize a third expert consultation on the right to food, following those held in 1997 and 1998, this time with a focus on implementation mechanisms at country level, inviting experts from all regions to share their experience;

10. Decides, in order to respond fully to the necessity for an integrated and coordinated approach in the promotion and protection of the right to food, to appoint, for a period of three years, a special rapporteur, whose mandate will focus on the right to food;

11. Requests the Special Rapporteur on the right to food, in the fulfilment of her/his mandate, to accomplish the following main activities:

(a) To seek, receive and respond to information on all aspects of the realization of the right to food, including the urgent necessity of eradicating hunger;

(b) To establish cooperation with Governments, intergovernmental organizations, in particular the Food and Agriculture Organization of the United Nations, and non-governmental

organizations on the promotion and effective implementation of the right to food, and to make appropriate recommendations on the realization thereof, taking into consideration the work already done in this field throughout the United Nations system;

(c) To identify emerging issues related to the right to food worldwide;

12. Requests the High Commissioner for Human Rights to provide all necessary human and financial resources for the effective fulfilment of the mandate of the Special Rapporteur on the right to food;

13. Requests the Special Rapporteur to submit a report on the implementation of the present resolution to the Commission at its fifty-seventh session;

14. Requests Governments, relevant United Nations agencies, funds and programmes, treaty bodies, as well as non-governmental organizations, to cooperate fully with the Special Rapporteur in the fulfilment of her/his mandate, inter alia through the submission of comments and suggestions on ways and means of realizing the right to food.

52nd meeting
17 April 2000
[Adopted by a roll-call vote of 49 votes to 1, with 2 abstentions. See chap. X.]

2000/61. Human rights defenders

The Commission on Human Rights,

Recalling General Assembly resolution 53/144 of 9 December 1998 by which the Assembly adopted by consensus the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms,

Reiterating the importance of this Declaration and its promotion and implementation,

Emphasizing the important role that individuals, non-governmental organizations and groups play in the promotion and protection of all human rights and fundamental freedoms,

Noting with deep concern that, in many countries, persons and organizations engaged in promoting and defending human rights and fundamental freedoms are often subjected to threats, harassment, insecurity, arbitrary detention and extrajudicial executions,

1. Welcomes the report of the Secretary-General (E/CN.4/2000/95) on ways for effective promotion and implementation of the Declaration, submitted pursuant to Commission resolution 1999/66 of 28 April 1999;

2. Calls upon all States to promote and give effect to the Declaration;

3. Requests the Secretary-General to appoint, for a period of three years, a special representative who shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations;

4. Urges all Governments to cooperate with and assist the special representative in the performance of his or her tasks and to furnish all information in the fulfilment of his or her mandate upon request;

5. Requests the Secretary-General to provide the special representative with all necessary assistance, in particular the staff and resources deemed necessary to fulfil his or her mandate;

6. Requests the representative of the Secretary-General to submit annual reports on his/her activities to the Commission on Human Rights and to the General Assembly and to make any suggestions and recommendations enabling him or her better to carry out his or her tasks and activities;

7. Decides to consider this question at its fifty-seventh session under the agenda item entitled "Promotion and protection of human rights";

8. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 2000/61 of 26 April 2000, endorses the Commission's decision to request the Secretary-General to appoint, for a period of three years, a special representative who

shall report on the situation of human rights defenders in all parts of the world and on possible means to enhance their protection in full compliance with the Declaration; the main activities of the special representative shall be:

(a) To seek, receive, examine and respond to information on the situation and the rights of anyone, acting individually or in association with others, to promote and protect human rights and fundamental freedoms;

(b) To establish cooperation and conduct dialogue with Governments and other interested actors on the promotion and effective implementation of the Declaration;

(c) To recommend effective strategies better to protect human rights defenders and follow up on these recommendations.

65th meeting
26 April 2000
[Adopted by a roll-call vote of 50 votes to none, with 3 abstentions. See chap. XVII.]

2000/82. Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

The Commission on Human Rights,

Recalling that the purpose of the Universal Declaration of Human Rights is the full promotion and protection of human rights and fundamental freedoms,

Reaffirming the Declaration on the Right to Development, adopted by the General Assembly in its resolution 41/128 of 4 December 1986, and the resolutions and decisions adopted by the United Nations in connection with the problem of the foreign debt of the developing countries, particularly Commission resolution 1999/22 of 23 April 1999,

Bearing in mind that the absolute amounts attained by the foreign debt and debt service of the developing nations indicate the persistent seriousness of this situation, that the latest episodes of financial crisis in Asia and other regions have caused this situation to deteriorate further and that the foreign debt burden is becoming increasingly unbearable for a considerable number of developing countries,

Aware that the serious problem of the foreign debt burden remains one of the most critical factors adversely affecting economic, social, scientific and technical development and living standards in many developing countries, with serious effects of a social nature,

Stressing that the economic globalization process creates new challenges, risks and uncertainties for the implementation and consolidation of development strategies,

Expressing its concern that, despite repeated rescheduling of debt, developing countries continue to pay out more each year than the actual amount they receive in official development assistance,

Acknowledging that, in spite of the fact that debt reduction schemes have helped to reduce debt, many highly indebted poor countries are still left with the bulk of their debt,

Considering that the measures for alleviating the debt problem, of both official and private origin, have not achieved an effective, equitable, development-oriented and durable solution to the outstanding debt and debt service of a large number of developing countries, especially the poorest and heavily indebted countries,

Bearing in mind the relationship between the heavy foreign debt burden and the considerable increase in poverty which is apparent at the world level and is especially large in Africa,

Recognizing that foreign debt constitutes one of the main obstacles preventing the developing countries from fully enjoying their right to development,

1. Takes note of the joint report submitted by the Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights and the independent expert on structural adjustment policies, to the Commission on Human Rights at its fifty-sixth session (E/CN.4/2000/51);

2. Stresses that structural adjustment policies have serious implications for the ability of the developing countries to abide by the Declaration on the Right to Development and to formulate national development policies that aim to improve the economic, social and cultural rights of their citizens;

3. Also stresses the importance of continuing to implement immediate, effective and durable actions for alleviating the burdens of debt and debt service of the developing countries with debt problems, in the framework of the realization of economic, social and cultural rights;

4. Affirms that the permanent solution to the foreign debt problem lies in the establishment of a just and equitable international economic order which guarantees the developing countries, inter alia, better market conditions and commodity prices, stabilization of exchange rates and interest rates, easier access to financial and capital markets, adequate flows of new financial resources and easier access to the technology of the developed countries;

5. Stresses the need for the economic programmes arising from foreign debt to take account of the specific characteristics, conditions and needs of the debtor countries and the need to incorporate the social dimension of development;

6. Affirms that the exercise of the basic rights of the people of debtor countries to food, housing, clothing, employment, education, health services and a healthy environment cannot be subordinated to the implementation of structural adjustment polices and economic reforms arising from the debt;

7. Emphasizes the important need for initiatives on foreign debt, in particular in the debt initiative for the heavily indebted poor countries and the decision of the Paris Club to go beyond the Naples terms, to be implemented completely and flexibly, and at the same time notes with concern the rigidity of the eligibility criteria approved by the international creditor community in the context of those initiatives, which is becoming a source of greater concern in the light of the latest symptoms of the international financial crisis;

8. Also emphasizes the need for new financial flows to debtor developing countries from all sources, in addition to debt relief measures that include debt cancellation, and urges creditor countries and the international financial institutions to increase concessional financial assistance on favourable terms, as a means of supporting the implementation of the economic reforms, combating poverty and achieving sustained economic growth and sustainable development;

9. Decides to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, for a period of three years;

10. Requests the independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, to present an analytical report to the Commission, on an annual basis, on the implementation of the present resolution, paying particular attention to:

(a) The effects of the foreign debt and the policies adopted to face them on the full enjoyment of all human rights, in particular, economic, social and cultural rights in developing countries;

(b) Measures taken by Governments, the private sector and international financial institutions to alleviate such effects in developing countries, especially the poorest and heavily indebted countries;

(c) New developments, actions and initiatives being taken by international financial institutions, other United Nations bodies and intergovernmental and non-governmental organizations with respect to structural adjustment policies and human rights;

11. Also requests the independent expert to provide an advance copy of his annual report to the open-ended working group on structural adjustment programmes and economic, social and cultural rights in order to assist the group in the fulfilment of its mandate;

12. Decides to discontinue the mandates of:

(a) The Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights;

(b) The independent expert on structural adjustment policies;

13. Decides to appoint Mr. Fantu Cheru as independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights, in order to take advantage of his expertise in this matter;

14. Requests the Secretary-General to provide the independent expert with all necessary assistance, in particular the staff and resources required to perform his functions;

15. Urges Governments, international organizations, international financial institutions, non-governmental organizations and the private sector to cooperate fully with the independent expert in the discharge of his mandate;

16. Calls upon Governments, international organizations and international financial institutions, as well as non-governmental organizations and the private sector, to take appropriate measures and action for the implementation of the commitments, agreements and decisions of the major United Nations conferences and summits organized since the beginning of the 1990s on developments related to the question of external debt;

17. Also calls upon Governments, international financial institutions and the private sector to consider the possibility of cancelling or reducing significantly the debt of the heavily indebted poor countries, giving priority to countries emerging from devastating civil wars or that have been devastated by natural disasters;

18. Urges States, international financial institutions and the private sector to take urgent measures to alleviate the debt problem of those developing countries particularly affected by HIV/AIDS, so that more financial resources can be released and used for health care, research and treatment of the population in the affected countries;

19. Recognizes that there is a need for more transparency, participation by all States and consideration of the relevant resolutions of the Commission on Human Rights in the deliberations and activities of international and regional financial institutions;

20. Considers that, in order to find a durable solution to the debt problem, there is a need for a political dialogue between creditor and debtor countries within the United Nations system, based on the principle of shared interests and responsibilities;

21. Requests the Economic and Social Council to authorize the working group on structural adjustment programmes and economic, social and cultural rights to meet for two weeks well in advance of, and at least four weeks prior to, the fifty-seventh session of the Commission with the mandate to: (a) continue working on the elaboration of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and international financial institutions, and (b) report to the Commission at its fifty-seventh session;

22. Reiterates its request to the United Nations High Commissioner for Human Rights to pay particular attention to the problem of the debt burden of developing countries, in particular of the least developed countries, and especially the social impact of the measures arising from the foreign debt;

23. Requests the High Commissioner for Human Rights to take urgent action to strengthen the responsiveness of her Office in the area of economic, social and cultural rights;

24. Decides to continue the consideration of this matter at its fifty-seventh session under the same agenda item.

67th meeting
26 April 2000
[Adopted by a roll-call vote of 30 votes to 15, with 7 abstentions. See chap. X.]

2000/109. Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

1. At its 67th meeting, on 26 April 2000, the Commission on Human Rights decided, without a vote, to approve and implement comprehensively and in its entirety the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112, annexed to the present decision) adopted by consensus by the Working Group on 11 February 2000.

2. Recalling the Chairperson's statement of 22 March 2000, the Commission emphasized the importance and relevance to the Commission's work of all aspects of the report, including the general approach outlined and the specific considerations set out in the individual chapters.

3. To facilitate the implementation of the report of the Working Group in its entirety, the Commission also decided to transmit to the Economic and Social Council the following specific draft resolution and draft decisions (also annexed) which require the approval of the Council.

[See chap. XX.]

ANNEX

Draft decision 1

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to merge the mandates of the independent expert on structural adjustment and the Special Rapporteur on foreign debt, thus creating a post of independent expert on structural adjustment and foreign debt.

Draft decision 2

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to establish a time-limit of two terms of three years for membership of special procedures working groups, as well as for Special Rapporteurs, whose position in relation to time-limits is covered by the Chairperson's statement of 29 April 1999. In the case of the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances, as a transitional measure, turnover of membership in both groups shall be accomplished in incremental steps over a three-year period. In order to provide the appropriate continuity during this transitional period, two members shall be replaced in year one, two in year two, and one in year three.

Draft decision 3

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to reduce the duration

of the annual meeting of the Working Group on Contemporary Forms of Slavery of the Sub-Commission to five working days from the present eight days.

Draft decision 4

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision to request its Chairperson to convene a one-day informal meeting of the Commission in late September each year to facilitate exchange of information in advance of the General Assembly. Such a meeting shall be convened for the first time in September 2000.

Draft resolution

Procedure for dealing with communications concerning human rights

The Economic and Social Council,

Recalling its resolution 728 F (XXVIII) of 30 July 1959 concerning the handling of communications concerning human rights and its decision 79 (LVIII) of 6 May 1975 relating thereto,

Recalling also its resolution 1235 (XLII) of 6 June 1967 authorizing the Commission on Human Rights to examine information relevant to gross violations of human rights and fundamental freedoms, its resolution 1503 (XLVIII) of 27 May 1970 establishing a procedure for dealing with communications relating to violations of human rights and fundamental freedoms and its resolution 1990/41 of 25 May 1990 concerning the establishment, composition and designation of the members of the Working Group on Situations,

Recalling further resolution 1 (XXIV) of the Sub-Commission on Prevention of Discrimination and Protection of Minorities (now the Sub-Commission for the Promotion and Protection of Human Rights) of 13 August 1971 concerning criteria for the admissibility of communications, as well as Sub-Commission resolution 2 (XXIV) of 16 August 1971 concerning the establishment, composition and designation of the members of the Working Group on Communications,

Recalling Commission on Human Rights decisions 3 (XXX) of 6 March 1974, 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980, all aimed at facilitating government participation and cooperation under the procedure, and decision 3 (XXXIV) of 3 March 1978 inviting the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item,

Noting decision 109 of 26 April 2000 of the Commission on Human Rights, inter alia approving the recommendations of its inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights concerning the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions (E/CN.4/2000/112, chapter three),

1. Endorses Commission decision 109 of 26 April 2000, insofar as it concerns the review of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) and related resolutions and decisions;

2. Decides, accordingly, that the Working Group on Communications designated in conformity with paragraph 37 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) shall henceforth meet annually for two weeks, immediately following the annual session of the Sub-Commission on the Promotion and Protection of Human Rights, to examine the communications received under Council resolution 728 F (XXVIII) that have been transmitted to the Governments concerned not later than 12 weeks prior to the meeting of the Working Group, and any government replies relating thereto, in conformity with the criteria for the admissibility of communications contained in resolution 1 (XXXIV) of the Sub-Commission, with a view to bringing to the attention of the Working Group on Situations any particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms;

3. Requests the Secretary-General, with the approval of the Chairman-Rapporteur of the Working Group on Communications, to screen out manifestly ill-founded communications in the preparation of the monthly confidential summaries of communications (confidential lists of communications) communicated to the members of the Working Group, it being understood that communications screened out would not be transmitted to the Governments concerned for reply;

4. Calls upon the Secretary-General to inform the countries concerned, immediately after the conclusion of the meeting of the Working Group on Communications, of the actions taken in regard to them;

5. Entrusts to the Working Group on Situations designated in conformity with paragraph 40 of the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112), which shall meet annually for one week not less than one month prior to the annual session of

the Commission, the role of examining the confidential report and recommendations of the Working Group on Communications and determining whether or not to refer a particular situation thus brought before it to the Commission on Human Rights, as well as of examining the particular situations kept under review by the Commission under the procedure, and, accordingly, to place before the Commission a confidential report identifying the main issues of concern, normally together with a draft resolution or draft decision recommending the action to be taken by the Commission in respect of the situations referred to it;

6. Requests the Secretary-General to make the confidential files available, at least one week in advance of the first closed meeting, to all members of the Commission on Human Rights;

7. Authorizes the Commission on Human Rights, as it deems appropriate, to consider the particular situations placed before it by the Working Group on Situations, as well as the situations kept under review, in two separate closed meetings, employing the following modalities:

(a) At the first closed meeting, each country concerned would be invited to make opening presentations; a discussion would then follow between members of the Commission and the Government concerned, based on the contents of confidential files and the report of the Working Group on Situations;

(b) In the interim between the first and second closed meetings, any member or members of the Commission could submit an alternative or an amendment to any texts forwarded by the Working Group on Situations; any such draft texts would be circulated confidentially by the secretariat, in accordance with the rules of procedure of the functional commissions of the Economic and Social Council, in advance of the second closed meeting;

(c) At the second closed meeting, members of the Commission would discuss and take action on the draft resolutions or decisions; a representative or representatives of the Governments concerned would have the right to be present during the adoption of the final decision/resolution taken in regard to the human rights situation in that country; as has been the established practice, the Chairperson of the Commission would subsequently announce in a public meeting which countries had been examined under the 1503 procedure, as well as the names of countries no longer being dealt with under the procedure; the 1503 dossiers would remain confidential, except where the Government concerned has indicated the wish that they become public;

(d) In accordance with the established practice, the action taken in respect of a particular situation should be one of the following options:

(xii) To discontinue consideration of the matter when further consideration or action is not warranted;

(xiii) To keep the situation under review in the light of any further information received from the Government concerned and any further information which may reach the Commission under the 1503 procedure;

(xiv) To keep the situation under review and to appoint an independent expert;

(xv) To discontinue consideration of the matter under the confidential procedure governed by Council resolution 1503 (XLVIII) in order to take up consideration of the same matter under the public procedure governed by Council resolution 1235 (XLII);

8. Decides that the provisions of Council resolution 1503 (XLVIII) and related resolutions and decisions not affected by the present reorganization of work shall remain in force, including:

(a) Provisions relating to the duties and responsibilities of the Secretary-General, it being understood that in respect of the handling of communications and government replies relating thereto the duties and responsibilities are as follows:

(xvi) The compilation, as before, of monthly confidential summaries of incoming communications concerning alleged violations of human rights; the identity of authors may be deleted upon request;

(xvii) The transmittal of a copy of each summarized communication, in the language received, to the Government concerned for reply, without divulging the identity of the author if he or she so requests;

(xviii) Acknowledging the receipt of communications to their authors;

(xix) The reproduction and circulation to the members of the Commission, as before, of the replies received from Governments;

(b) Provisions aimed at facilitating government cooperation and participation in the procedure, including the provisions of Commission decision 3 (XXX) of 6 March 1974, now to be applied following the meetings of the Working Group on Communications;

9. Decides that all actions envisaged in the implementation of the present resolution by the Working Group on Communications, the Working Group on Situations and the Commission on Human Rights shall remain confidential until such time as the Commission may decide to make recommendations to the Economic and Social Council;

10. Decides that the procedure as amended may continue to be referred to as the 1503 procedure.

Draft decision 5

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision that the annual session of the Sub-Commission on the Promotion and Protection of Human Rights shall, from this year, be of three weeks' duration.

Draft decision 6

The Economic and Social Council, taking note of Commission on Human Rights decision 2000/109 of 26 April 2000, endorses the Commission's decision that chairpersons of standard-setting working groups shall, if the working group considers it appropriate and in consultation with the Office of the High Commissioner for Human Rights, be provided with the necessary financial assistance to undertake informal consultations during the inter-sessional period with a view to advancing progress in respect of the working group's mandate.

[See chap. XX]

III. NARRATIVE OF THE PROCEEDINGS INCLUDING VOTING RESULTS

Excerpts from Chapter X of Commission report contained in E/2000/23

"Economic, social and cultural rights

1. The Commission considered agenda item 10 at its 23rd to 27th meetings, from 3 to 5 April, at its 41st and 42nd meetings, on 12 April, at its 52nd meeting, on 17 April, and at its 65th to 67th meetings, on 26 April 2000.

2. For the documents issued under agenda item 10, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. At the 23rd meeting, on 3 April 2000:

(a) The Special Rapporteur on the effects of foreign debt on the full enjoyment of economic, social and cultural rights, Mr. Reinaldo Figueredo, introduced the report (E/CN.4/2000/51, annex) prepared jointly with the independent expert on structural adjustment policies, Mr. Fantu Cheru;

(b) The independent expert on human rights and extreme poverty, Ms. Anne-Marie Lizin, introduced her report (E/CN.4/2000/52 and Add.1).

4. At the 24th meeting, on 3 April 2000, the Special Rapporteur on the right to education, Ms. Katarina Tomasevski, introduced her report (E/CN.4/2000/6 and Add.1-2).

5. At the 25th meeting, on 4 April 2000, the Special Rapporteur on the adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, Ms. Fatma Zohra Ouhachi-Vesely, introduced her report (E/CN.4/2000/50 and Add.1). At the 27th meeting, on 5 April 2000, the Special Rapporteur made her concluding remarks.

6. In the general debate on agenda item 10, statements were made by members of the Commission, observers and non-governmental organizations. For a detailed list of speakers, see annex III to the present report.

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Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

10. At the 52nd meeting, on 17 April 2000, the representative of Germany introduced draft resolution E/CN.4/2000/L.17, sponsored by Albania, Bulgaria, Costa Rica, Cyprus, the Czech Republic, Finland, Germany, Greece, Ireland, Italy, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Paraguay, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Tunisia and Uruguay. Angola, Belarus, Cameroon, Congo, Ethiopia, France, Israel, Kenya, Peru, the Philippines, the Russian Federation, South Africa and Ukraine subsequently joined the sponsors.

11. The representative of Germany orally revised the third preambular paragraph and operative paragraphs 2, 6 and 8 of the draft resolution and inserted a new operative paragraph between operative paragraphs 5 and 6.

12. A statement in connection with the draft resolution was made by the representative of India.

13. At the 67th meeting, on 26 April 2000, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

14. The draft resolution, as orally revised, was adopted without a vote. For the text, see chapter II, section A, resolution 2000/9.

The right to food

15. At the 52nd meeting, on 17 April 2000, the representative of Cuba introduced draft resolution E/CN.4/2000/L.19, sponsored by Algeria, Angola, Bangladesh, Belarus, Bhutan, Botswana, Burundi, Cameroon, China, Congo, Costa Rica, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Guinea, Haiti, Honduras, India, Indonesia, Iraq, the Islamic Republic of Iran, Kenya, the Libyan Arab Jamahiriya, Madagascar, Mauritania, Nepal, Nigeria, Pakistan, Peru, the Philippines, the Russian Federation, Rwanda, Senegal, South Africa, Sri Lanka, the Sudan, Swaziland, the Syrian Arab Republic, Togo, Tunisia, Viet Nam, Yemen and Zambia. Belgium, Bulgaria, Canada, France, Guatemala, Ireland, Italy, Niger, Norway, Portugal and Sweden subsequently joined the sponsors.

16. Operative paragraphs 5 and 9 of the draft resolution were orally revised by the representative of Cuba.

17. At the 67th meeting, on 26 April 2000, in accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

18. A statement in explanation of vote before the vote was made by the representative of the United States of America.

19. The representative of the United States of America requested a vote. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 49 votes to 1, with 2 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Canada, Chile, China, Colombia, Congo, Cuba, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Rwanda, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zambia.

Against: United States of America.

Abstaining: Czech Republic, Latvia.

20. For the text, see chapter II, section A, resolution 2000/10.

21. In view of the adoption of resolution 2000/10, the Commission took no action on draft decision 4 recommended by the Sub-Commission on the Promotion and Protection of Human Rights for adoption by the Commission (see E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chap. I).

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Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights

41. At the 52nd meeting, on 17 April 2000, the representative of Cuba introduced draft resolution E/CN.4/2000/L.20, sponsored by Algeria, Botswana, Cameroon, China, Congo, Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Egypt, Ethiopia, Ghana, Iraq, Madagascar, Nigeria, Pakistan, the Philippines, the Sudan, the Syrian Arab Republic, the United Republic of Tanzania, Tunisia, Viet Nam, Yemen, Zambia and Zimbabwe. Angola, Burundi, Ecuador, the Dominican Republic, Haiti, Indonesia, Liberia, Nicaragua, Sri Lanka and Uruguay subsequently joined the sponsors.

42. At the request of the representative of Cuba, the Chairperson subsequently postponed consideration of the draft resolution.

43. At the 67th meeting, on 26 April 2000, the Commission resumed consideration of draft resolution E/CN.4/2000/L.20.

44. Statements in connection with the draft resolution were made by the representatives of Canada, Chile, Cuba, Nigeria and Pakistan.

45. The representative of Chile proposed to amend operative paragraph 13 of the draft resolution as follows:

'13. Decides to appoint an independent expert on the effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights;'

46. At the request of Cuba, a roll-call vote was taken on the amendment proposed by the representative of Chile. Statements in explanation of vote before the vote on the proposed amendment were made by the representatives of Cuba, Guatemala, Norway, Pakistan, Peru, Portugal (on behalf of the European Union) and the United Kingdom of Great Britain and Northern Ireland.

47. The proposed amendment was rejected by 17 votes to 31, with 4 abstentions. The voting was as follows:

In favour: Canada, Chile, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Republic of Korea, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: Bangladesh, Bhutan, Botswana, Burundi, China, Colombia, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Mexico, Morocco, Niger, Nigeria, Pakistan, Peru, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Abstaining: Argentina, Brazil, Nepal, Russian Federation.

48. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

49. A statement in explanation of vote before the vote on the draft resolution was made by the representative of Japan.

50. The representative of the United Kingdom of Great Britain and Northern Ireland requested a vote on the draft resolution as a whole. At the request of the representative of Cuba, a roll-call vote was taken on the draft resolution, which was adopted by 30 votes to 15, with 7 abstentions. The voting was as follows:

In favour: Bangladesh, Bhutan, Botswana, Brazil, Burundi, China, Congo, Cuba, Ecuador, El Salvador, Guatemala, India, Indonesia, Madagascar, Mauritius, Morocco, Nepal, Niger, Nigeria, Pakistan, Philippines, Qatar, Rwanda, Senegal, Sri Lanka, Sudan, Swaziland, Tunisia, Venezuela, Zambia.

Against: Canada, Czech Republic, France, Germany, Italy, Japan, Latvia, Luxembourg, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Chile, Colombia, Mexico, Peru, Republic of Korea, Russian Federation.

51. For the text of the resolution, see chapter II, section A, resolution 2000/82.

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Excerpts from Chapter XVII of Commission report contained in E/2000/23

"Promotion and protection of human rights: (a) Status of the International Covenants on Human Rights; (b) Human rights defenders; (c) Information and education; (d) Science and environment

1. The Commission considered agenda item 17 at its 50th and 51st meetings, on 14 April, at its 52nd and 53rd meetings, on 17 April, and at its 65th and 66th meetings, on 26 April 2000.

2. For the documents issued under agenda item 17, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. In the general debate on agenda item 17, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

Human rights defenders

4. At the 65th meeting, on 26 April 2000, the representative of Morocco introduced draft resolution E/CN.4/2000/L.37, sponsored by Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Botswana, Bulgaria, Canada, Chile, Costa Rica, Croatia, the Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Poland, Portugal, the

Republic of Korea, Romania, Senegal, Slovakia, Slovenia, South Africa, Spain, Swaziland, Sweden, Switzerland, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Albania, Armenia, Bangladesh, Belarus, Burundi, Cyprus, Haiti, Liberia, Malta, Mauritius, Nepal, Niger, Paraguay, San Marino, Sri Lanka, Thailand, Tunisia, Turkey, Uruguay and Venezuela subsequently joined the sponsors.

5. Operative paragraphs 3 and 4 of the draft resolution were orally revised by the representative of Morocco.

6. Statements in connection with the draft resolution were made by the representatives of Cuba, the Czech Republic (also on behalf of Armenia, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, Georgia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia and the former Yugoslav Republic of Macedonia), Norway and Pakistan.

7. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft resolution.

8. Statements in explanation of vote before the vote were made by the representatives of Cuba, Morocco and Portugal (on behalf of the European Union).

9. The representative of Cuba requested a vote on operative paragraph 3 of the draft resolution. At the request of the representative of Morocco, a roll-call vote was taken on that paragraph. The Commission decided, by 44 votes to 1, with 8 abstentions, to retain the paragraph. The voting was as follows:

In favour: Argentina, Bangladesh, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Senegal, Spain, Sri Lanka, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: Cuba.

Abstaining: Bhutan, China, Congo, Philippines, Qatar, Russian Federation, Rwanda, Sudan.

10. The representative of Cuba requested a vote on the draft resolution as a whole. At the request of the representative of Morocco, a roll-call vote was taken on the draft resolution, as orally revised, which was adopted by 50 votes to none, with 3 abstentions. The voting was as follows:

In favour: Argentina, Bangladesh, Bhutan, Botswana, Brazil, Burundi, Canada, Chile, Colombia, Congo, Czech Republic, Ecuador, El Salvador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Latvia, Liberia, Luxembourg, Madagascar, Mauritius, Mexico, Morocco, Nepal, Niger, Nigeria, Norway, Pakistan, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Senegal, Spain, Sri Lanka, Sudan, Swaziland, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba, Rwanda.

11. Statements in explanation of vote after the vote were made by the representatives of China and India.

12. For the text as adopted, see chapter II, section A, resolution 2000/61.

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Excerpts from Chapter XX of Commission report contained in E/2000/23

"Rationalization of the work of the Commission

1. The Commission considered agenda item 20 at its 59th meeting, on 19 April, and at its 67th meeting, on 26 April 2000.

2. For the documents issued under agenda item 20, see annex VI to the present report. For a list of all resolutions and decisions adopted by the Commission and Chairperson's statements, by agenda item, see annex V.

3. In the general debate on agenda item 20, statements were made by members of the Commission, observers and representatives of non-governmental organizations. For a detailed list of speakers, see annex III.

4. At the 59th meeting, on 19 April 2000, the Chairperson of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights, Ms. Anne Anderson, introduced the report of the Working Group (E/CN.4/2000/112).

Enhancing the effectiveness of the mechanisms of the Commission on Human Rights

5. At the 67th meeting, on 26 April 2000, the Chairperson introduced draft decision E/CN.4/2000/L.101.

6. Draft decision 2 contained in draft decision E/CN.4/2000/L.101 was orally revised by the Chairperson and further amended by the representative of Pakistan.

7. Statements in connection with draft decision E/CN.4/2000/L.101 were made by the representatives of Pakistan and the United States of America.

8. In accordance with rule 28 of the rules of procedure of the functional commissions of the Economic and Social Council, the attention of the Commission was drawn to the estimated administrative and programme budget implications of the draft decision.

9. The draft decision, as orally revised and amended, was adopted without a vote. For the text as adopted, see chapter II, section B, decision 2000/109.

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